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CRIME PREVENTION AND CRIMINAL JUSTICE

Progress made in the implementation of General Assembly resolutions 50/145 and 50/146

Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly, at its fiftieth session, adopted resolution 50/145 of 21 December 1995 on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and resolution 50/146 of the same date on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity. The present report is submitted pursuant to those resolutions.

II. RECOMMENDATIONS OF THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

2. In its resolution 1995/27 of 24 July 1995 on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Economic and Social Council approved their follow-up in the context of the priority themes established for the crime prevention and criminal justice activities. The General Assembly, in its resolution 50/145, endorsed the above-mentioned resolutions and recommendations, invited Governments to be guided by them in formulating legislation and policy directives and requested the Secretary-General to submit to the Assembly a report on the measures taken to implement resolution 50/145. The activities of the United Nations Crime Prevention and Criminal Justice Programme carried out in pursuance of the mandates emanating from the Congress are described in section IV below.

3. In response to a note verbale sent by the Secretary-General requesting information on initial steps taken to give effect to the resolutions of the Congress, views and observations providing information on general and specific initiatives have thus far been received from the Governments of Austria, Bahrain, Greece, Japan, Jordan, Panama and Saudi Arabia. They also indicated that they were already implementing, or planning to implement, the various recommendations.

4. The Governments reported that they had taken steps to give effect to the various recommendations of the Congress on the four substantive topics. In respect of international cooperation and practical technical assistance, the Governments were making efforts to strengthen the rule of law through international cooperation and assistance, improving policy development, increasing the use of bilateral and multilateral agreements and promoting the establishment of integrated regional policies, programmes, plans and mechanisms to prevent crime and ensure justice. Regarding organized crime, a number of specific measures had been taken that responded to part II of Congress resolution 1, 1/ dealing with action against transnational and organized crime, particularly at the regional level, by updating domestic legislation in the area of money laundering, extradition and mutual assistance; establishing separate units to deal with organized crime and improving legislation on environmental protection. In response to part III of the same resolution, a series of steps had been taken or were under way to upgrade the training and development of law enforcement and criminal justice personnel, increase the use of non-custodial measures and improve measures against the spread of HIV and AIDS. With regard

to part IV of the resolution, steps had been taken to improve strategies and programmes for the prevention and control of urban crime, juvenile delinquency and violent crime, including domestic violence; to deal with the problems arising from migratory flows; to improve measures against racism, xenophobia and related intolerance; and to improve the regulation of firearms.

5. In response to resolution 4 on links between terrorist crime and transnational organized crime, the Governments were initiating action at the national level in the areas of legislation, investigation and law enforcement, in order to ensure the prevention and suppression of terrorist crimes and transnational organized crime. The enhancement of international cooperation, in particular the exchange of technical information and sharing of experience in the field, was being actively pursued.

6. Regarding the implementation of resolutions 5, on the Standard Minimum Rules for the Treatment of Prisoners, and 7, on children as victims and perpetrators of crime, Governments were trying to give effect to the various requests for action. As to resolution 8, on violence against women, efforts were being made with a view to eliminating violence against women or mitigating the effects of such violence, inter alia, by updating the legislation on domestic violence and trafficking in human beings; training and raising of public awareness, improvement of curricula and working with the media; and supporting institutions and self-help groups for women subjected to violence. In response to resolution 9, on firearms, measures had been taken to tighten the regulation of certain firearms and improve action against illicit trafficking in firearms.

III. THE ROLE OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

7. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, recognized the Commission on Crime Prevention and Criminal Justice as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice and requested it to coordinate relevant activities in this field. In accordance with the Programme of Action contained in the annex to General Assembly resolution 46/152, the Commission has been mandated not only to develop, monitor and review the United Nations Crime Prevention and Criminal Justice Programme, but also to mobilize support for the Programme among Member States and to coordinate the activities of the United Nations network of institutes for crime prevention and criminal justice.

8. The fifth session of the Commission on Crime Prevention and Criminal Justice was held at Vienna from 21 to 31 May 1996. It was attended by almost 600 participants from 36 of the 40 member States of the Commission, 70 other States as well as representatives of 76 intergovernmental and non-governmental organizations. Within the broader priority themes of the Programme, the following issues received particular attention at the fifth session: organized transnational crime; action against corruption; the smuggling of illegal migrants; the prevention of urban crime, proceeds of crime and money laundering; international cooperation in criminal matters, including extradition; the role of criminal law in the protection of the environment; children as victims and

perpetrators of crime; the elimination of violence against women; and the development of the criminal justice information systems. In addition, the ongoing United Nations study of the regulation of firearms was dealt with. The question of links between organized transnational crime and terrorist crimes was discussed in the context of the follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.

9. The Commission agreed on the text of the United Nations Declaration on Crime and Public Security and recommended it to the General Assembly for adoption. The Declaration, consisting of 11 articles, affirms the necessity for all Member States to take action within their jurisdictions and pledge mutual cooperation in order to prevent and control serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of the proceeds from serious crimes.

10. The Commission also recommended for adoption by the General Assembly the International Code of Conduct for Public Officials. The Code, composed of 11 articles, includes provisions related to general principles, conflicts of interest and disqualification, disclosure of assets, acceptance of gifts or other favours, confidential information and political activity.

11. Additional highlights of the Commission's work at its fifth session are the following:

(a) The formulation of an action plan on the elimination of violence against women;

(b) Proposals for safeguards guaranteeing protection of the rights of those facing the death penalty;

(c) Proposals for the development of manuals on assistance to victims;

(d) Proposals for the establishment of an advisory steering group and a standing pool of experts on computerization in the administration of criminal justice, and further improvement of the Internet-based United Nations Crime and Justice Information Network and the United Nations Online Crime and Justice Clearinghouse;

(e) Debate on the feasibility of the establishment of an international court on the environment;

(f) Debate on the feasibility of the elaboration of international instruments on organized transnational crime and on the illicit traffic in children;

(g) Debate on further refinement of the work of the Commission, and further strengthening of the United Nations Crime Prevention and Criminal Justice Programme;

(h) Initiation of preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 2000.

12. The Economic and Social Council, having considered the report of the Commission on Crime Prevention and Criminal Justice 2/ at its substantive session of 1996, approved all draft resolutions, as submitted to it (see Council resolutions 1996/8 to 1996/16 of 23 July 1996 and 1996/26 to 1996/28 of 24 July 1996).

IV. PROGRAMME ACTIVITIES

A. Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

13. The General Assembly, in its resolution 49/159 of 23 December 1994, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (see A/49/748, annex, sect. I.A), adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and urged States to implement them as a matter of urgency. The Economic and Social Council, in its resolution 1995/11 of 24 July 1995, requested the Commission on Crime Prevention and Criminal Justice to ensure and monitor their full implementation.

1. Regional Ministerial Workshop on the Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

14. Pursuant to the above-mentioned resolutions, the Regional Ministerial Workshop on the Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime was convened at Buenos Aires from 27 to 30 November 1995. The Workshop also followed up the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It examined ways to strengthen and improve the capacity of the countries of Latin America and the Caribbean to respond to organized transnational crime and to improve the mechanisms of regional and multilateral cooperation to combat it.

15. The Workshop called for increased technical cooperation, strategic coordination, legislative action and other measures to combat organized transnational crime in all its manifestations. With a view to promoting action at both the national and the regional levels to achieve these aims, the Workshop adopted the Buenos Aires Declaration on the Prevention and Control of Organized Transnational Crime. 3/

16. In its resolution 1996/27, adopted on 24 July 1996, on the recommendation of the fifth session of the Commission, the Economic and Social Council took note of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime. It also requested the Secretary-General to assist Member States in the implementation of the Naples Political Declaration and Global Action Plan; to establish a central repository for specific information and instruments on organized transnational crime; to continue his consultations with Governments on the possibility of elaborating a convention or conventions against organized transnational crime; to provide advisory services and technical assistance to requesting Member States; and, for the purpose of

providing such assistance, to develop training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime.

2. Prevention and control of the laundering of the proceeds of crime

17. The Economic and Social Council, in its resolution 1994/13 of 25 July 1994, requested the Secretary-General to establish and maintain close cooperation with Member States, intergovernmental organizations and other entities active in the field of controlling the proceeds of crime, including the regular exchange of information. The Council also requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifth session on international, regional and other initiatives for the prevention and control of the laundering of the proceeds of crime, including recommendations for further concerted action at the global level, and on the implementation of Council resolution 1993/30 of 27 July 1993 on the control of the proceeds of crime. The Council, in its resolution 1995/11 of 24 July 1995, requested the Secretary-General to seek cooperation and to join efforts with other international, global and regional organizations and mechanisms that have played an active role in combating money laundering in order to reinforce common regulatory and enforcement strategies in that area.

18. Pursuant to the above-mentioned resolutions, the Secretary-General invited Governments to provide the Secretariat with information on, inter alia, initiatives for the prevention and control of the laundering of the proceeds of crime and the control of such proceeds.

19. On the basis of the information received, the Secretary-General indicated in his report to the fifth session of the Commission that an increasing amount of illicit proceeds would be directed at the world's financial systems:

> "The problems facing policy makers, regulators and criminal justice systems are bound to be compounded by the increasing use of very sophisticated new technologies which provide an array of new opportunities for concealing and laundering criminal proceeds. In view of those trends, the particular needs of developing countries and of countries in transition will multiply and grow exponentially. The Division has already had an indication of this, in the form of a growing number of requests for assistance in the field of prevention and control of the laundering of the proceeds of crime." 4/

20. The Council, in its resolution 1996/27, stressed the importance of the activities carried out by the United Nations to strengthen international efforts against money laundering, including, where possible, money laundering involving the proceeds of serious crimes other than drug-related crimes, and, for that purpose, requested the Secretary-General to increase and intensify the cooperation between the Crime Prevention and Criminal Justice Division of the Secretariat and the United Nations International Drug Control Programme and to continue to work with the Financial Action Task Force and other relevant multilateral and regional institutions against money laundering. The

Commission, in its resolution 5/2, also requested the Secretary-General to consider the establishment of a joint unit between the United Nations International Drug Control Programme (UNDCP) and the Division for providing technical assistance for the control of proceeds of crime, including the prevention of money laundering.

3. Measures to combat smuggling of illegal migrants

21. In its resolution 1995/10 of 24 July 1995, the Economic and Social Council expressed its concern that a significant number of States had not yet enacted criminal legislation to combat all aspects of the smuggling of illegal migrants. At its fifth session, the Commission considered the report of the Secretary-General on the developments in respect of criminal law and other measures taken by Governments to combat the smuggling of illegal migrants. 5/ It was the third in a series of reports on the matter. The first report (A/49/350 and Add.1), submitted to the General Assembly at its forty-ninth session, had provided a comprehensive overview of the background and scope of the problem of alien smuggling and information regarding measures to combat it. The second report, 6/ submitted to the Commission at its fourth session, had provided additional information on measures to combat alien smuggling.

22. The above-mentioned reports contained information provided by 53 Governments concerning criminal law and other measures adopted, as well as the information provided by five organizations on activities undertaken to combat the smuggling of illegal migrants. The Secretary-General concluded that, given the complexity of the issues involved and the substantial role played by transnational organized crime in global criminal activity, international cooperation, particularly in trans-border law enforcement, was crucial, and measures needed to be specified and applied by all concerned. Moreover, a better common understanding of the problem to be tackled would need to be reached, and a precise, well-defined course of action pursued. To that end, and bearing in mind the increasing attention being paid and the growing importance being attached to the matter by States, more dialogue and joint action between source, transit and recipient States might be fostered, particularly across regions and in international forums, including consideration of the elaboration of a new international instrument. 7/ The Secretary-General also emphasized the importance of integrated action in this field involving other programmes and bodies within the United Nations system that deal with related issues.

4. Action against corruption

23. As mentioned in paragraph 10 above, the Commission on Crime Prevention and Criminal Justice approved the text of the International Code of Conduct for Public Officials. The Economic and Social Council, in its resolution 1996/8, recommended that the General Assembly adopt the Code and requested the Secretary-General to elaborate an implementation plan and, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to requesting Member States.

5. Links between transnational organized crime and terrorist criminal activities

24. In its resolution 1995/27, section II, the Economic and Social Council decided to establish an open-ended intergovernmental working group, within the framework of the Commission, to consider, at the fifth session, the views of Member States sought by the Secretary-General on the implementation of paragraph 1 of resolution 3 of the Ninth Congress, 1/ and to consider measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between transnational organized crime and terrorist criminal activities.

25. The Secretary-General submitted to the Commission a report that provided an overview of the differences and similarities between transnational organized crime and terrorist crimes, as well as a summary of the responses received from States. 8/ The report concluded that, while the links between transnational organized crime and terrorist crimes are usually more circumstantial than institutional, both forms of crime present formidable challenges to the international community and require improved international cooperation.

26. The open-ended working group established at the fifth session of the Commission carried out a comprehensive discussion of the subject. For several participants, the links between transnational organized crime and terrorist crimes were evident and well established, while many others expressed the view that there was not sufficient evidence on the existence of such links. Whereas some participants suggested that the issue should be further dealt with by the Commission, no consensus was reached in that regard.

6. The role of criminal law in the protection of the environment

27. The Economic and Social Council, in section II of its resolution 1995/27 of 24 July 1995, called upon the Secretary-General, assisted by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the regional institutes for the prevention of crime and the treatment of offenders, to continue research, exchange of information, training and technical cooperation facilitating the development of preventive, regulatory and other strategies on the role of criminal law in the protection of the environment, with an emphasis on needs assessment and advisory services; assistance in the review or redrafting of legislation and the development of effective infrastructure; as well as training of criminal justice and regulatory agency personnel. The Secretary-General submitted to the fifth session of the Commission a short summary of recent developments and activities undertaken in implementing this mandate, as contained in his report, 9/ including the elaboration, in cooperation with the United Nations Development Programme (UNDP) and UNICRI, of a monograph on capacity-building in criminal enforcement of environmental law. The monograph identifies areas where concrete projects could be developed. It proposes elements on which technical assistance activities may focus, such as legislation, institution-building, enforcement tools, training and education.

28. In order to maintain and regulate exchange of information in the area of environmental protection, a roster of experts was established, including

180 experts in 52 countries who provide feedback regarding the role of criminal law in the protection of the environment and the viability of the measures adopted in their respective countries and regions.

29. On 23 July 1993, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/10 on the role of criminal law in the protection of the environment, in which it requested the Secretary-General to seek the views of Member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment. It also called upon Member States to cooperate with each other and with international organizations in their efforts to prevent crimes against the environment, to include appropriate penal provisions in their laws and ensure their enforcement, and to support technical cooperation activities in environmental matters.

7. Development and promotion of mechanisms of international cooperation in the fight against organized transnational crime

30. In section I of its resolution 1995/27 on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Economic and Social Council requested the Secretary-General to convene, utilizing extrabudgetary resources, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mechanisms of international cooperation, including the United Nations model treaties on international cooperation in criminal matters, as well as for the development of model legislation on extradition and related forms of international cooperation in criminal matters.

31. The Secretary-General submitted to the fifth session of the Commission a note on the outcome of consultations undertaken and arrangements made for convening the intergovernmental expert group to be convened prior to the sixth session of the Commission, with a view to preparing relevant recommendations. 10/

B. Crime prevention in urban areas, trafficking in minors and juvenile justice

32. In its resolution 1995/9 of 24 July 1995, the Economic and Social Council adopted the guidelines for cooperation and technical assistance in the field of urban crime prevention and requested the Commission to ensure the publication of the guidelines in the most proper form. At its fifth session, the Commission considered the issue of the prevention of urban crime. During the debate on the issue, the guidelines for cooperation and technical assistance in the field of crime prevention were welcomed as a model for national guidelines.

33. The Ninth Congress, in its resolution 7, 1/ invited the Commission to initiate the process of requesting the views of States regarding the process of elaborating an international convention on the illicit traffic in children,

which might embody necessary elements to efficiently combat that form of transnational organized crime. Subsequently, the Economic and Social Council, in section IV of its resolution 1995/27, requested the Secretary-General to initiate that process. In their responses, 17 States supported the elaboration of such a convention, while one considered the exercise not to be fruitful. It was noted that a comprehensive global approach against trafficking in children required more information on this phenomenon, such as the approximate number of victimized children and the routes being used for such trafficking. 11/

34. At its fifth session, the Commission recommended to the Economic and Social Council a draft resolution on measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences. In its resolution 1996/26 of 24 July 1996 on the subject, the Council invited Governments to adopt the necessary measures, in accordance with their legislation, to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime. It also requested the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit traffic in children and to conduct a survey on the extent to which children are protected from becoming victims of illicit international trafficking. It also decided that the Commission should include in the provisional agenda of its sixth session an item on the possible elaboration of a legally binding international instrument on the illicit traffic in children.

35. In its resolution 7, the Ninth Congress recommended that the Commission should invite the Secretary-General to consider ways of elaborating a programme of action aimed at promoting the effective use and application of all relevant United Nations human rights instruments on the administration of justice, in particular with regard to children, and United Nations standards and norms in juvenile justice.

36. A preparatory meeting aimed at moving towards an integrated international strategy in this respect was held at Vienna in January 1996. It recommended that the programme of action should consist of the elaboration of an integrated international strategy on juvenile justice, to be accompanied by the development and implementation of technical assistance projects for countries facing the challenge of complying with the Convention on the Rights of the Child, in particular with respect to the application of juvenile justice instruments. It also recommended the holding of an expert group meeting to finalize the draft programme of action for consideration by the Commission at its sixth session. In addition, the expert group should discuss pilot projects on juvenile justice reform designed to ensure that the draft programme of action meets the actual needs and requirements of Member States requesting assistance in establishing or improving their juvenile justice systems. The Government of Austria offered to host such a meeting.

37. The Council, in its resolution 1996/13 of 23 July 1996 on the administration of juvenile justice, welcomed the progress made with regard to elaborating a programme of action to promote the effective use and application of international standards and norms in juvenile justice. It also invited the Secretary-General to strengthen system-wide coordination of technical assistance

projects in the field of juvenile delinquency prevention and the establishment or improvement of juvenile justice systems. In addition, it requested him to organize, in cooperation with the Government of Austria and using extrabudgetary resources, a meeting of an expert group on the elaboration of a programme of action on juvenile justice. It also decided that the Commission at its sixth session should consider the draft programme of action.

C. Elimination of violence against women

38. The Economic and Social Council, in section IV.C of its resolution 1995/27 requested the Secretary-General to prepare a draft plan of action, in the context of crime prevention and criminal justice, on the elimination of violence against women that would provide practical, action-oriented suggestions on how to address the issue by means of, inter alia, legislative action, research and evaluation, technical cooperation, training and the exchange of information.

39. The draft plan of action was prepared, drawing on the inputs from Governments and the work of the United Nations in related areas, particularly the Fourth World Conference on Women, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences. 12/ The draft plan of action proposed a set of measures designed to bring about reform to upgrade and ensure an appropriate "fair treatment" response on the part of criminal justice systems to all forms of violence perpetrated against women and the girl child. 13/

40. On 23 July 1996, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/12, in which it took note of the revised document produced by the Commission at its fifth session, entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women", 14/ and requested the Secretary-General to seek the views of Member States, institutes comprising the Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women and to submit a report containing the text of draft practical measures, strategies and activities, as well as a report on the views received to the Commission at its sixth session.

D. Measures to regulate firearms

41. The project on measures to regulate firearms was originally proposed by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 9, entitled "Firearms regulation for purposes of crime prevention and public safety". 1/ The Economic and Social Council, in its resolution 1995/27, requested the Secretary-General to start implementing the firearms regulation project, initiated with funds generously provided by the Government of Japan, while the Government of Canada contributed substantive expertise to design a survey questionnaire on firearms regulation in a selected

group of countries. A progress report of the Secretary-General was submitted to the Commission at its fifth session, 15/ in which the Secretary-General, having reviewed the replies of Member States to the note verbale covering the substantive issues involved in firearms regulation for purposes of crime prevention and public safety, indicated the logistical and organizational steps to be taken to implement the mandate activities.

42. As recommended by the Commission, the Economic and Social Council, in its resolution 1996/28 of 24 July 1996, endorsed the questionnaire and the guidelines for the project, 16/ and requested the Secretary-General to collect information on the basis of the above-mentioned questionnaire and guidelines and to analyze the information received with a view to preparing a more comprehensive survey of firearms regulations. Finally, the Council approved the work plan for the further implementation of the firearms regulation project, 17/ and requested the Secretary-General to submit his report to the Commission at its sixth session.

E. Statistical and computerized applications in the management of the criminal justice system

43. The Commission, at its fifth session, had before it the report of the Secretary-General on a draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system. 18/ The report reviewed the present and future development of the computerized United Nations Crime and Justice Network (UNCJIN).

44. On 23 July 1996, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/11, entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information". The Council urged, subject to the availability of extrabudgetary funds, the establishment of an advisory steering group, administered by the Secretary-General in close coordination with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. That group would review and assess, at the request of Member States, national experiences in the area of computerization of criminal justice operations and make follow-up logistical, technical and financial recommendations arising from its mandate.

45. On the offer of the Government of Republic of Korea, a training seminar entitled "United Nations Crime and Justice Information Network: providing information to and from developing countries" was held at Seoul in September 1996. With the assistance of five outside resource persons, the course covered the question of information management of the criminal justice system and provided a basis for the preparation of a manual on the collection and dissemination of crime and justice data through computerization and electronic networking.

46. The Secretary-General continues to expand the operations of UNCJIN, which now contains several substantive databases, 19/ including a recently established

database on bilateral agreements on extradition, judicial/legal assistance, control of narcotic drugs and transfer of prisoners. A summary of the various electronic information dissemination activities was also included in the report of the Secretary-General to the Economic and Social Council on international cooperation in the field of informatics. 20/

F. United Nations Survey of Crime Trends and Operations of Criminal Justice Systems

47. Since 1977, the Secretary-General has conducted quinquennial surveys of crime trends and operations of criminal justice systems, with data covering the years from 1970 to 1990. The Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (1990-1994) is being carried out by the Statistics Division and the Crime Prevention and Criminal Justice Division of the Secretariat, in collaboration with the resident representatives of UNDP and the network of United Nations crime prevention and criminal justice institutes. Its results will provide statistical information for the Secretariat's publication Global Crime and Justice Report, scheduled for finalization by the end of 1997. The Programme envisages the recurrent publication of such a global report, based on subsequent periodical surveys, to further facilitate dissemination of information in the international criminal justice community. The Economic and Social Council in its resolution 1996/11 requested the Secretary-General, in concert with experts from interested States and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to supplement the Fifth Survey with a survey of national capacities for the collection of crime statistics.

G. Implementation of the United Nations standards and norms in crime prevention and criminal justice

48. The Economic and Social Council, in section III of its resolution 1993/34 of 27 July 1993, requested the Secretary-General to commence a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources, initially paying attention to the Standard Minimum Rules for the Treatment of Prisoners; the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; and the Basic Principles on the Independence of the Judiciary.

49. The Commission, at its fifth session, had before it the results of the four surveys. 21/ On 23 July 1996, on the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/16, in which it invited Governments to ensure the promotion and widest possible dissemination of the standards and norms and to publish the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice in the languages of their countries. In addition, the Council requested the Secretary-General to prepare a report, for submission to the Commission at its sixth session, on the desirability of establishing an inter-sessional working group, as well as to

continue to coordinate the activities related to the use and application of the standards and norms.

50. In the surveys, Member States provided detailed information on their prison systems; their police systems, including the implementation of regulations on when and how to use force and firearms; their programmes of victim assistance, redress and compensation; as well as their judiciary. The information-gathering process is a significant milestone in promoting the use and application of United Nations standards and norms in crime prevention and criminal justice. In completing the questionnaires, countries identified achievements and shortcomings in various areas. The responses were relatively encouraging in terms of both quantity and quality of information. The sharing of experiences should encourage other countries in their efforts to use and apply the standards. The identification of needs is of considerable importance when technical cooperation and assistance projects are elaborated. Finally, the information-gathering process may facilitate technical cooperation, including a regional, subregional and/or interregional approach in promoting the use and application of the standards and norms.

1. Standard Minimum Rules for the Treatment of Prisoners

51. The survey reveals that the living conditions of prisoners vary considerably between different countries. While most countries apply the Rules to a large extent, the lack of appropriate funds for prison administration and prison management causes severe problems in meeting minimum standards for prisoners in several countries. In addition, owing to the limited use of non-custodial measures, prison overcrowding remains a major problem in many countries. As a consequence, the separation of different categories of prisoners was reported to be a challenge for prison management in a number of countries. That situation has also hindered educational and work programmes in many prisons and reduced the availability of adequate facilities for the leisure time of prisoners. In some countries, not even beds and bedding could be guaranteed to every prisoner. In addition, social services or projects aimed at the resocialization of the offender upon release were available to only a limited number of prisoners. In several countries, such services were hardly available.

2. Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

52. The survey shows that many Member States apply the instruments to a large extent. However, some countries have encountered problems in the selection of appropriate applicants and their adequate education and training, owing to a lack of adequate funds. Difficulties were also faced in some countries with regard to the proper use of force and firearms and reporting thereon. It appeared that in some countries, in particular, investigation and interviewing techniques were not limited to acceptable international standards. As regards action against corruption, investigative agencies in some countries had developed expertise in combating corruption by law enforcement officials,

especially when this was related to organized crime and crime linked with drug abuse.

3. Basic Principles on the Independence of the Judiciary

53. According to the survey, the Basic Principles on the Independence of the Judiciary are widely applied. Only a few countries indicated that they were still struggling to improve the fundamental guarantees to ensure the independence of the judiciary in all its aspects. Responses to the survey reveal that the principle of independence of the judiciary is of central concern to many States. A large number of States are undertaking significant efforts to ensure the use and application of the Basic Principles in their national law and practice. Differences in legal systems, however, particularly between common law and civil law countries, seem to suggest different approaches to the subject of judicial independence.

4. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

54. Member States reported that many sections of the Declaration were implemented in principle. Some countries indicated that they had revised some laws and developed programmes to provide better services for victims. A number of countries had taken important steps towards improved victim assistance by introducing legislation and programmes in the spirit of the Declaration, others indicated their intent to do so. However, a major gap still existed between principle and practice. In fact, in half of the reporting countries, the programmes implemented were not being used by either the victims or the criminal justice practitioners.

55. In its resolution 1996/14, the Economic and Social Council requested the preparation of a manual or manuals on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and called for improved information collection and exchange in this respect. Two expert meetings were envisaged to help in this effort, to be convened with extrabudgetary funds at the invitation of the Governments of the Netherlands and the United States of America. The first expert meeting was held at Tulsa, Oklahoma, from 10 to 12 August 1996, in connection with the twenty-second Annual Conference of the National Organization for Victims Assistance (NOVA) and at the invitation of the Office for Victims of Crime of the United States Department of Justice. It produced a refined basic text of a training manual, supplemented by a database scheme. They will be further considered at the next meeting, scheduled to be held at the Hague in February 1997.

5. Capital punishment and safeguards guaranteeing protection of the rights of those facing the death penalty

56. In accordance with Economic and Social Council decision 1994/206 of 3 February 1994, the fifth quinquennial report of the Secretary-General on capital punishment and the implementation of the safeguards 22/ was submitted to

the Council at its substantive session of 1995. At that session, the Council adopted resolution 1995/57 of 28 July 1995, in which it invited Member States to reply to the Secretary-General's questionnaire for the preparation of the sixth quinquennial report in the year 2000, and to provide him with the information requested. In the same resolution, the Commission was asked to examine the fifth quinquennial report at its fifth session. Accordingly, a revised report, consolidating and integrating the additional information received, was considered by the Commission at its fifth session.

57. The Economic and Social Council, in its resolution 1996/15 of 23 July 1996, adopted on the recommendation of the Commission, noted that during the period 1990-1995, an increasing number of countries had abolished the death penalty and others had followed a policy of reducing the number of capital offences, declaring that they had not sentenced any offender to that penalty, while still others had retained it and a few had reintroduced it. The resolution also called upon Member States in which the death penalty had not been abolished effectively to apply the safeguards guaranteeing protection of the rights of those facing the death penalty, and encouraged such Member States to ensure that each defendant facing a possible death sentence was given all guarantees for a fair trial.

6. Standards and norms of juvenile justice

58. In accordance with Economic and Social Council resolution 1995/13 of 24 July 1995, the Secretary-General developed a questionnaire on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which was considered by the Commission at its fifth session. The report of the Secretary-General on the results of this survey will be submitted to the Commission at its seventh session.

H. Technical cooperation

59. The report of the Secretary-General of 14 September 1995 (A/50/432) dealt in some detail with policy issues related to operational activities, including the Programme's place in development assistance, particularly as relates to strengthening programme capacity. The report of the Secretary-General on technical cooperation and advisory services of the Programme that was submitted to the Commission at its fifth session, 23/ provided a detailed update on the activities undertaken, including advisory services, training, fellowships and contributions to peacekeeping operations. It also touched on the changing functions of the interregional advisers on crime prevention and criminal justice, efforts to overcome the reluctance of aid agencies to provide assistance in this field and the growth of requests for assistance. Summarized below is an update on the activities undertaken since the preparation of the last report to the General Assembly.

60. At its fifth session, the Commission on Crime Prevention and Criminal Justice adopted resolution 5/2, entitled "Technical cooperation and interregional advisory services in crime prevention and criminal justice", in which it reaffirmed the high priority attached to technical cooperation and advisory services as a means for the Programme to respond to the needs of the international community in the face of both national and transnational criminality, as well as the importance of continuing to improve and strengthen the operational activities of the Programme. In its resolution 5/3, entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme", the Commission decided to establish an informal consultative group on resource mobilization.

1. Advisory services

61. Technical missions, undertaken at the request of Governments, continued to represent a major part of the activities undertaken by the interregional advisers, 24/ which have changed considerably over the last two years. Countries, in their requests, have not only called for needs assessments or short-term advisory services but, increasingly, for operational activities to be planned, designed and carried out. As a result, 27 project proposals, covering a wide range of criminal justice and crime prevention issues, were prepared during the year. Noting the continued resistance of aid agencies and potential donor countries to funding activities in criminal justice, the Secretary-General underlined the fact that, in the end, the operational value of the Programme would be judged on its capacity to formulate and implement technical cooperation projects to satisfy the needs and expectations of Member States.

62. The Crime Prevention and Criminal Justice Division continued to coordinate its activities closely with other relevant entities and organizations, as well as with funding agencies and other partners. The move "from coordination to partnerships", as described in the last report to the General Assembly (A/50/432, paras. 116 and 117), has gained momentum, as demonstrated by the signature of a memorandum of understanding between the Regional Bureau for Europe and the Commonwealth of Independent States of UNDP and the Division. Additionally, in a growing number of cases, funding and logistic support for the missions undertaken was provided by UNDP or by countries interested in the services of the Division.

63. The missions dealt with a large variety of problems, such as measures against organized and economic crime (Kyrgyzstan, jointly with UNICRI), prevention of organized criminality, drug-related crimes and terrorism (Pakistan, jointly with UNDCP), drug-trafficking and corruption (Romania, jointly with UNDCP), assessment of the organization and training requirements for law enforcement officials (Angola, Burundi, South Africa), reform of juvenile justice (Albania, Burkina Faso, South Africa), the establishment of a witness protection scheme (South Africa), and the assessment of conditions in the correctional system, prison reform and training (Albania, Barbados, Brazil, South Africa). Collaborative activities were also implemented with other partners, including the Department for Development Support and Management Services, the Commission on Human Rights, the Department for Peacekeeping

Operations and institutions such as the International Scientific and Professional Advisory Council and the Swedish Raoul Wallenberg Institute of Human Rights and Humanitarian Law, resulting in joint missions, workshops and project development.

2. Training

64. During the reporting period, the Crime Prevention and Criminal Justice Division received more than 30 requests for training in the areas of correctional services, police, organized crime, drug trafficking, juvenile justice and crime prevention. Most of the requests, received from developing countries, Africa, in particular, and countries with economies in transition, called for practical training of criminal justice practitioners.

65. Following past practice, many training activities were carried out in cooperation with other organizations. The Division's activities centred on police, judicial staff and prison personnel. For example, in the framework of a national project aimed at reforming the judicial institutions in Burkina Faso, the Division, with funds provided by the Government of France, conducted a series of training seminars for judges, officers of the relevant ministries, administrators of correctional services and police officers, on juvenile justice (1-28 March 1996). In cooperation with the United Nations African Institute on the Prevention of Crime and the Treatment of Offenders, the Division organized at Kampala a workshop on the training of trainers of the custodial corps of Malawi, Uganda and the United Republic of Tanzania (10-14 July 1995). The Basic Training Manual for Correctional Workers, prepared by the International Scientific and Professional Advisory Council, was the main training tool for the workshop. The Manual was also used in a training seminar for prison personnel held in Brazil (28 August-2 September 1995). In Burundi, the Division cooperated with the Raoul Wallenberg Institute, the Swedish International Development Agency and the office of the Special Representative of the Secretary-General, in organizing a series of six training seminars for Burundian police officials and military officers with responsibility for internal security (winter 1995). As part of this initiative, a manual for use by the local police was prepared, based on the contents of the handbook on United Nations standards for peacekeeping police and national police regulations.

3. Fellowships

66. For the first time, the Division organized a programme of fellowships in the field of crime prevention and criminal justice for developing countries and countries with economies in transition, funded from the regular budget for technical cooperation. Under the fellowship programme, which permits candidates to undertake practical studies in crime prevention, criminal justice or the relationship between crime and development, criminal justice professionals from China, the Cook Islands, the Dominican Republic, Guinea, Jamaica and India were selected. A senior prosecutor of Burundi also received the Leo Rosenthal Fellowship in juvenile justice.

4. Contributions to United Nations peacekeeping operations

67. The role of crime prevention and criminal justice in the maintenance of peace and security was emphasized by the General Assembly in its resolution 46/152 of 18 December 1991. In paragraph 13 of its resolution 50/146, the Assembly took note of the contributions of the United Nations Crime Prevention and Criminal Justice Programme to United Nations peacekeeping and special missions, and to their follow-up, inter alia, through advisory services, and encouraged the Secretary-General to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations.

68. During the period under review, the Division provided assistance, in particular, to the operations deployed in Angola, Bosnia and Herzegovina, Haiti, Rwanda and the former Yugoslav Republic of Macedonia. The assistance rendered included successive short-term missions, the provision of expert advice and the development of proposals for long-term projects. Based on a request from UNDP and the International Civilian Mission in Haiti (MICIVIH), the Division prepared a programme for penal reform, including a system of registration of prisoners, establishment of a penal administration system, training of prison wardens and renovation of prisons, funded jointly by UNDP and the United States Agency for International Development. Further, in cooperation with the French Ecole nationale de la Magistrature, a training seminar for prosecutors was organized in Port-au-Prince. In Kigali, the Division participated in the UNDP round table on the mid-point review of the assistance rendered to Rwanda, providing expertise and advisory services in connection with the projects of UNDP and the Department for Development Support and Management Services on the rehabilitation of the judicial system and the correctional services of the country. In Angola, the Division assisted in assessing the country's criminal justice and crime prevention needs, the reform of penal legislation, training of criminal justice personnel and rehabilitation of correctional services. Related project proposals are under preparation.

69. Further, the Division, in cooperation with the Government of Austria and the Training Unit of the United Nations Peace Forces (UNPF), organized the Third Workshop for United Nations Civilian Police (CIVPOL) Station Commanders of UNPF. In the former Yugoslav Republic of Macedonia, the Division undertook a mission to advise officials of the Ministry of the Interior on the implementation of five national programmes, concerning, respectively, crime prevention, anti-corruption measures and measures against drug trafficking, money laundering and organized crime. Based on a request by UNPF civilian police, the Division fielded a mission to Bosnia and Herzegovina. Despite the interest expressed in these projects, inter alia, by the countries where these peacekeeping missions are carried out, subsequent project proposals related to training needs of the civilian police of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), the International Police Task Force (IPTF) of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the local police forces, including the establishment of a focal point for strengthening of criminal justice institutions, have so far received little support. However, a joint project of the Division and the Reconstruction and Development Support Unit of the Department for Development Support and

Management Services, on strengthening the structures of the administration of justice in Bosnia and Herzegovina, was approved for funding by UNDP.

70. Follow-up activities included participation in a joint mission with an Austrian police expert team to analyse the present structure and training needs of local police forces in Bosnia and Herzegovina. Recommendations resulting from this mission provided the basis for the formulation of training and education requirements for IPTF in the restructuring of the local police forces. Further, the Division joined the United Nations International Drug Control Programme in an assessment mission on drug-related issues with the purpose of establishing contacts with the relevant authorities of Bosnia and Herzegovina. The Division also contributed to a number of conferences and training courses, such as the Conference on the Preparation of the Civilian Personnel of United Nations Peacekeeping Operations, organized by the Austrian Study Centre for Peace and Conflict Resolution, and the International Round Table on Human Rights in Bosnia and Herzegovina, both held in Austria; the training course on the civilian personnel of peacekeeping/humanitarian operations and the election monitoring missions, held at the University of Pisa, Italy; and the training course for representatives of non-governmental organizations of countries of the Commonwealth of Independent States, also held at the Austrian Study Centre for Peace and Conflict Resolution.

71. The Commission, in its resolution 5/2, 1/ commended the contribution of the Programme to such missions and their follow-up, and requested the Secretary-General, subject to the availability of extrabudgetary resources, to develop further training materials for peacekeeping police.

5. Collection and exchange of information on technical assistance activities

72. The Economic and Social Council, in its resolution 1994/22 of 25 July 1994, requested the Secretary-General to establish a database on technical assistance, integrating the needs of Member States, particularly developing countries. In addition, the Secretary-General was requested in Council resolution 1995/12 of 24 July 1995, subject to the availability of extrabudgetary funds, to establish a regional database for central and eastern Europe.

73. In pursuance of the above mandate, efforts to collect the relevant information for the establishment of the database continued within existing resources. At the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, a series of one-to-one interviews was conducted with all of the delegations from least developed countries and some others. The interviews highlighted the fact that the least developed countries required considerable assistance for the development of one or more aspects of their criminal justice systems. Twenty-three countries responded to a note verbale of the Secretary-General requesting information on technical assistance needs of Member States, as well as technical assistance provided in crime prevention and criminal justice. Out of these, 15 offered substantive information on a total of 56 technical assistance projects. 25/ These figures do not include information on assistance to central and eastern Europe, as this information was collected by the European Institute for Crime Prevention and Control, affiliated

with the United Nations, which had received extrabudgetary funding to establish and manage a pilot database for that subregion.

I. Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

74. Since 1955, 26/ the quinquennial United Nations Congresses on the prevention of crime and the treatment of offenders have been organized in pursuance of General Assembly resolution 415 (V) of 1 December 1950. Their importance has been reaffirmed in numerous resolutions by the policy-making bodies of the United Nations. During the last 40 years, the Congresses have served as global events and worldwide forums, influencing national policies, mobilizing public opinion, recommending lines of action at the national, regional and international levels, and focusing attention on major issues of concern to Member States and the professional and scientific community.

75. Over the years, the Congresses have undergone a significant transformation. From what was primarily a meeting of experts, following a long-established tradition inherited by the United Nations from the International Penal and Penitentiary Commission, the Congresses became major intergovernmental conferences.

76. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, was the first Congress convened after the restructuring of the United Nations Crime Prevention and Criminal Justice Programme, and reflecting its new function and format, as outlined in the annex to General Assembly resolution 46/152. The Ninth Congress enhanced its practical and scientific value through problem-oriented workshops, demonstrations of different approaches to facilitate technical assistance and cooperation, and special sessions devoted to the discussion of priority issues of direct interest to all countries.

77. In initiating the preparations for the Tenth Congress, the Secretary-General requested Governments to submit their views on the theme of the forthcoming Congress, its format, agenda and workshop topics. The views of the Governments were summarized in the report of the Secretary-General to the fifth session of the Commission on proposals for the preparation of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. 27/ The Commission considered the report and, in its resolution 5/1, invited States that had not yet done so to respond to the Secretary-General's inquiry. It also requested the Secretary-General to summarize the views received from States, agencies and programmes of the United Nations system and other relevant intergovernmental and non-governmental organizations concerning the proposals for the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress, for consideration by the Commission at its sixth session.

J. Publications

78. Special issues of the United Nations Crime Prevention and Criminal Justice Newsletter have been published: Nos. 24/25 on the International Conference on

Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach, Courmayeur, 1994; Nos. 26/27 on the World Ministerial Conference on Organized Transnational Crime, Naples, 1994; and Nos. 30/31 on the third and fourth sessions of the Commission on Crime Prevention and Criminal Justice. The United Nations Manuals on the Model Treaty on Extradition and on the Model Treaty on Mutual Assistance in Criminal Matters were published in the International Review of Criminal Policy. A booklet entitled "United Nations and Crime Prevention", containing an overview of the work of the United Nations in this area, has been issued. The publication of the report on the United Nations Crime Prevention and Criminal Justice Programme network was made possible through the generous contribution of the Asia Crime Prevention Foundation (ACPF) and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The Handbook of the United Nations Crime and Justice Information Network, intended to serve as an introductory guide to using the network on the Internet, and two issues of Trends: UNCJIN Crime and Justice Letter (vol. 2, Nos. 3 and 4) were also published.

V. STRENGTHENING PROGRAMME CAPACITY

A. Provision of resources

79. Because of urgent and growing needs, Member States continued to express the wish for the capacity of the Programme to be further strengthened. Thus, the General Assembly, in its resolution 50/145, requested the Secretary-General to pay particular attention to the operational aspects of the follow-up to the Ninth Congress in order to assist interested States in strengthening the rule of law by reinforcing their national machinery, promoting human resource development, undertaking joint training activities and executing pilot and demonstration projects. Furthermore, the Assembly, in its resolution 50/146, reaffirmed the high priority attached to technical cooperation and advisory services, stressed the importance of continuing to improve the operational activities of the Programme, particularly in developing countries and countries in transition, and requested the Secretary-General to continue to strengthen the Programme by providing it with the resources necessary for the full implementation of its mandates.

80. The series of major conferences and meetings held in recent years, 28/ along with relevant resolutions of the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, have helped to define more clearly the parameters for the Programme's technical assistance activities. The Secretary-General, in his report on progress made in the implementation of General Assembly resolution 49/158, submitted to the last session of the General Assembly, had already indicated that the degree to which the Programme could respond to the needs of Member States "will depend largely on the operational capacity of the Programme to render the necessary aid ... Some steps in this direction have been taken, but much more is clearly required if the chasm between the needs in this field and the international response is, if not bridged, then at least reduced" (A/50/432, para. 22).

81. In section III, paragraphs 29 and 30 of its resolution 50/214 of 23 December 1995, the General Assembly approved the upgrading of the Crime

Prevention and Criminal Justice Branch to a division, including the reclassification of the D-1 post of Chief of the Branch to the D-2 level and the establishment of two new P-3 posts. In the same resolution, the Assembly also approved other resources for technical cooperation activities, under section 20, Regular programme of technical cooperation, of the programme budget for the biennium 1996-1997. Owing to the cost-saving measures, however, these new posts have remained frozen, while a number of planned activities had to be postponed.

82. The disparity between the call of the General Assembly for the upgrading of the Programme, on the one hand, and the actual available resources, on the other, was pointed out by the Commission on Crime Prevention and Criminal Justice at its fifth session. The Commission called for a careful allocation of resources among the budget sections, taking into account the priority considerations underlying the decision of the Assembly to increase staff resources in the relevant budget section, specifically section 13, Crime control, where two additional Professional posts had been approved for the current biennium. The Commission acknowledged that the deferment of certain activities, in particular the organization of three expert group meetings, would negatively affect the substantive work of the Commission.

83. The Commission, in its resolution 5/2 on technical cooperation and interregional advisory services in crime prevention and criminal justice, 1/ requested the Secretary-General to explore with Member States the establishment of a mechanism for resource mobilization and coordination of activities in the area of technical assistance. The Commission also decided to include, under the relevant item of the agenda for its sixth session, a separate topic on funding of international technical assistance in crime prevention and criminal justice. In its resolution 5/3 on strategic management of the Programme by the Commission, the Commission decided to exercise more vigorously its mandated functions of resource mobilization and, for this purpose, to establish an informal consultative group, to be composed of the bureau of each session and of those Member States that in the preceding biennium contributed to the United Nations Crime Prevention and Criminal Justice Fund or in other concrete ways to the Programme. The informal consultative group would report to the Commission on the activities undertaken and results achieved.

84. In response to the above-mentioned resolutions, and with the support of the Chairman of the Commission, an organizational meeting for the establishment of an informal consultative group on resource mobilization in crime prevention and criminal justice was held at Vienna on 5 July 1996. The Chairman, on that occasion, underlined that Member States, if they wanted the Programme to become operational beyond the present level, had to find ways to secure the necessary resources. Establishing a mechanism with a view to ensuring that needs were met and resources mobilized in a coordinated manner, and a continuous dialogue established and maintained, would serve the interest of all the parties involved. The organizational meeting considered the role of the informal consultative group and the action necessary in the preparation of its first substantive meeting, to be held on 16 October 1996.

85. In section III, paragraph 31, of its resolution 50/214, the General Assembly requested the Secretary-General to review the adequacy of resources made available for crime prevention activities at the regional level. It should

be recalled that the activities of the regional institutes, including their financial situations, were reviewed by the Commission on the basis of a report prepared by the Secretary-General. 29/ It should be noted that, as reflected in the other report submitted to the Assembly (A/51/450), the African Institute received a grant of US$ 204,800 for the biennium 1996-1997 within the overall appropriations for the Economic Commission for Africa (ECA). The regional Commissions have not yet included crime prevention and criminal justice in their regular programme of activities. However, a new regional adviser on drug abuse and crime prevention has recently been appointed in ECA, while at the Economic and Social Commission for Asia and Pacific (ESCAP), a regional adviser post is financed by the Government of Japan.

B. United Nations Crime Prevention and Criminal Justice Fund

86. The Programme, in response to requests from Member States, also undertook to develop further the Crime Prevention and Criminal Justice Fund so that it could become a more useful instrument for supporting technical cooperation activities for the benefit of Member States. The Crime Prevention and Criminal Justice Fund was established in 1967, pursuant to Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, and was included in the annual United Nations Pledging Conference for Development Activities in pursuance of General Assembly decision 34/440 of 17 December 1979. 30/

87. The Fund has been used to finance such operational activities as needs assessment missions to Cambodia and the Russian Federation; the formulation of technical cooperation projects for those two countries; partial project execution (preliminary phase) for Cambodia; organization of training activities for civilian police of the United Nations Protection Force (UNPROFOR) in Austria, as well as the provision of advisory services and training in, inter alia, Burkina Faso, Burundi, Rwanda, and Gaza for the Police of the Palestinian Authority; reprinting of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice; other publications, including the Handbook for United Nations Civilian Police (the "blue book") and the Manual on Domestic Violence; and engagement of consultants for input to project formulation and advisory services.

88. Contributions to the Fund can be either general purpose or earmarked for specific operational activities or for operational activities in a specific region. In the biennium 1994-1995, the following States contributed to the Crime Prevention and Criminal Justice Fund: 31/ Italy, $617,800; 32/ Japan, $159,895; 33/ France, $123,877; 34/ Sweden, $34,535; 35/ Austria, $30,646; and Argentina, Belgium, Brazil, Canada, Germany, Oman, the Republic of Korea and Sri Lanka, amounts under $25,000.

C. Cooperation and coordination of activities with United Nations bodies and other entities

89. Cooperation and coordination of activities with other entities continued to be actively pursued, particularly since the restructuring of the United Nations Crime Prevention and Criminal Justice Programme. There have been two decisive

factors in this development. First, considering the current level of the human and financial resources of the Division, cooperation and coordination with other entities has been, and will remain, a condition for the successful implementation of many of the mandates of the Programme. Secondly, the enhancement of efficient and fair criminal justice systems is an essential element of democratic development, and therefore a number of United Nations programmes, as well as numerous intergovernmental and non-governmental organizations, might provide assistance in this area.

90. The General Assembly, in its resolution 50/146, requested the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in the field, in performing its functions and to ensure the proper coordination of all relevant activities, in particular with the Commission on Human Rights, the Commission on the Status of Women and the Commission on Narcotic Drugs.

91. The Secretary-General submitted two reports on this subject to the Commission at its fifth session: the first on cooperation and coordination of activities in crime prevention and criminal justice, including activities in cooperation with the United Nations International Drug Control Programme (UNDCP); 36/ and the second on the activities of the institutes comprising the United Nations crime prevention and criminal justice programme network. 29/ In those reports, the collaborative efforts undertaken by the Crime Prevention and Criminal Justice Division were highlighted, focusing in particular on cooperative arrangements with UNDCP, UNDP and the Centre for Human Rights. Collaboration with intergovernmental and non-governmental organizations, as well as other entities, continued to play an important role in the development of the Programme's technical assistance operations.

92. For example, UNDCP provided cooperation during the Ninth Congress on the Prevention of Crime and the Treatment of Offenders by organizing a workshop on "Extradition and international cooperation: the exchange of national experience and implementation of relevant principles in national legislation". Both entities were represented in each other's policy-making bodies. Technical assistance activities were undertaken jointly in Belarus and Ukraine. Joint assessment missions were also conducted in Angola, Kazakstan, Kyrgyzstan, Pakistan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan. In addition, the UNDCP field offices offered assistance to advisory missions undertaken by the interregional advisers. Collaboration was especially important with the UNDCP legal assistance programme. Of great importance, in connection with the follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, was the formulation of a joint proposal for a global project on money laundering and control of the proceeds of crime.

93. Efforts to strengthen cooperation with the Centre for Human Rights included attendance by both entities of the annual sessions of the policy-making bodies concerned, as well as ad hoc meetings on possibilities of collaborative action in operational projects in, inter alia, Haiti and Rwanda. The two entities also cooperated in the area of the rights of victims of crime and the abuse of power. Discussions on further cooperation centred, in particular, on the joint development of manuals and other working materials on the administration of

justice for law enforcement officials, magistrates and prosecutors, as well as on juvenile justice and the treatment of offenders.

94. Significant progress was made in achieving closer cooperation with UNDP and the Department for Development Support and Management Services of the Secretariat. UNDP resident representatives assisted in carrying out advisory missions and in developing follow-up projects. The needs assessment missions in support of democracy, governance and participation to Armenia and Azerbaijan, carried out by the Regional Bureau for Europe and the Commonwealth of Independent States of UNDP with the participation of the Division (February and July 1996), demonstrated that in this joint programming that the Regional Bureau and the Crime Prevention and Criminal Justice Division are pursuing, crime prevention and criminal justice requirements can be included at all stages, starting with the country strategy notes, through country profiles, to the cooperation frameworks and programme support documents.

95. The United Nations Crime Prevention and Criminal Justice Programme network continued to deliver numerous and varied programme services throughout the various regions. The main activities of the institutes generally focused on the priority items established by the Commission. Collaboration with the United Nations Crime Prevention and Criminal Justice Programme network was particularly manifest in the preparations for the Ninth Congress. The Tenth Coordination Meeting of the Programme network was held at Courmayeur, Italy, in October 1995 at the invitation of the International Scientific and Professional Advisory Council.

96. Contacts were maintained with a large number of intergovernmental and non-governmental organizations by exchanging information on issues of mutual concern, as well as on the funding of specific projects. These included the Organisation for Economic Cooperation and Development, the Financial Action Task Force on Money Laundering, the Economic Commission for Europe, the Organization for Security and Cooperation in Europe, the Commonwealth Secretariat, the Council of Europe, the Agency for Cultural and Technical Cooperation and the International Criminal Police Organization. Especially fruitful cooperation was established with the Agency for Cultural and Technical Cooperation, which funded and organized the printing and dissemination of additional copies of the Compendium of United Nations standards and norms in crime prevention and criminal justice in French, as well as the translation into French of the Basic Training Manual for Correctional Workers, and provided financial support also for the implementation of a comprehensive project in assistance to the criminal justice system for Burkina Faso, which was undertaken in March 1996.

97. Non-governmental organizations and other entities continued to contribute significantly to the work of the Programme through a variety of means, ranging from the exchange and dissemination of information and participation in expert meetings, training courses and seminars to the development of working materials and other publications.

D. Strategic management of the Programme

98. The question of the strategic management of the Programme has preoccupied the Commission on Crime Prevention and Criminal Justice since its inception. While most United Nations entities develop and implement strategies to achieve their programme objectives, the Commission appears to be the only entity to invoke the concept of "strategic management". The ongoing discussion has focused on the general principle, as well as on specific aspects of strategic management. At its fourth session, the Commission adopted resolution 4/3, 37/ on the provision of information in accordance with the plan for strategic management, elaborated in the annex to Commission resolution 1/1. Moreover, General Assembly resolutions 50/146 and 50/214 contain specific provisions on strategic management, including requests for full implementation of the relevant Commission resolutions.

99. Strategic management involves a number of core functions: the definition of the programme objectives in line with the perceived mission and, if possible, the identification of specific targets in a given time-frame; the setting of priorities; an indication of the activities to be carried out in phases; monitoring of their implementation; and evaluation of the results, with a view to replicating successes and correcting possible inadequacies. Bearing in mind the financial crisis facing the United Nations, with its chronic resource constraints, a further aim is to maximize the means available, where possible by integrating efforts and by focusing on key issues that are likely to have a multiplier effect. While the United Nations programme planning, budgeting and evaluation procedures provide detailed guidelines in this respect, they should be supplemented by the insights and guidance of the Commission.

100. In its resolution 5/3, on strategic management, the Commission reaffirmed the fundamental role of the medium-term plan and regular budget of the United Nations as the framework for exercising the functions of the Commission relating to the strategic management of the Programme, and took note of the draft medium-term plan for the period 1998-2001. It also recognized the importance of the contribution that its bureau could make in advancing the work of the Programme, made specific suggestions in that regard, and decided to exercise more vigorously its mandated functions of resource mobilization by establishing an informal consultative group.

VI. CONCLUDING REMARKS

101. Having reviewed the steps taken towards the implementation of General Assembly resolutions 50/145 and 50/146, including other relevant mandates in this area, it can be concluded that the credibility of the United Nations Crime Prevention and Criminal Justice Programme will be measured, to a large extent, by its ability to provide effective support to requesting countries in drafting legislation, creating independent systems for the administration of justice, establishing police forces that are respectful of the rule of law and setting up national institutions for protecting fundamental human rights. These measures, in turn, will determine the credibility of Governments and people's faith in them.

102. Since 1991, thanks to the catalytic effects of the work of the Commission on Crime Prevention and Criminal Justice, the Programme has been able to establish itself as an instrument and focus of international cooperation and technical assistance in the area of crime prevention and criminal justice. This has been illustrated by the increasing number of requests received and the activities successfully undertaken. The Programme's technical assistance activities in crime prevention and criminal justice must continue to cover a broad range of topics, including an enhanced capacity for general policy development, as well as the provision of advice on highly technical matters in specific areas.

103. Nonetheless, the achievement of a satisfactory state of affairs is still a long way off. The dramatic increase in the needs of Member States in this field has continued unabated. Significant gaps remain to be filled in order to meet the goals that have guided the restructuring of the Programme. The transnationalization of crime has made international cooperation against it an urgent priority. There is much that still needs to be done to fulfil those goals and to achieve maximum Programme effectiveness. The demands placed on the Programme have expanded very rapidly, without a commensurate increase in its resource allocation. The Commission has made recommendations to release resources from activities of low priority to others of high priority, but even this is a stop-gap measure in view of the plethora of requests. The efforts to expand partnerships with other United Nations entities, specialized agencies, institutes and non-governmental organizations, while instrumental in rationalizing the use of some resources, also suffer from inherent constraints.

104. The programme measures currently under way can have only a relatively small impact, since the resource base of the Programme remains one of the smallest in the entire United Nations budget. The basic issue will thus continue to be that of the overall resources assigned for this purpose, and it should be addressed through broader policy and budgetary measures. The existing gap in resources can only be filled by Member States, and voluntary contributions for project implementation will be vital. But without such measures, the Programme will not be able to meet the expectations its renewal and the emphasis on its operationalization have raised among Member States. The importance of security and the rule of law for sustainable development, governance and democratization has been emphasized repeatedly. It is time to translate these goals into concrete terms for the benefit of all.

Notes

1/ See A/CONF.169/16, chap. I.

2/ See Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30).

3/ See E/CN.15/1996/2/Add.1.

4/ E/CN.15/1996/3, para. 104.

5/ E/CN.15/1996/4.

6/ E/CN.15/1996/3.

7/ E/CN.15/1996/4, para. 42.

8/ E/CN.15/1996/7 and Corr.1.

9/ E/CN.15/1996/8.

10/ E/CN.15/1996/6.

11/ See E/CN.15/1996/10.

12/ E/CN.4/1995/42.

13/ See E/CN.15/1996/11 and Corr.1.

14/ E/CN.15/1996/CRP.12.

15/ E/CN.15/1995/14 and Corr.1.

16/ E/CN.15/1996/CRP.5.

17/ Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30), paras. 73 and 74.

18/ E/CN.5/1995/13.

19/ The United Nations Crime and Justice Network (UNCJIN) is located at the following Internet address:

http://www.ifs.univie.ac.at/~uncjin/uncjin.html.

20/ E/1996/81.

21/ E/CN.15/1996/16/Add.1-4.

22/ E/1995/78 and Add.1 and Add.1/Corr.1.

23/ E/CN.15/1996/8.

24/ An overview on operational activities carried out from 1 May to 31 December 1995 is contained in E/CN.15/1996/CRP.10.

25/ For further details see report of the Secretary-General on technical cooperation and advisory services of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1996/8), paras. 66-72.

26/ The First Congress on the Prevention of Crime and the Treatment of Offenders was convened at Geneva in 1955; the Second Congress in London in 1960; the Third Congress at Stockholm in 1965; the Fourth Congress at Kyoto, Japan in 1970; the Fifth Congress at Geneva in 1975; the Sixth Congress at Caracas

in 1980; the Seventh Congress at Milan, Italy, in 1985; the Eighth Congress at Havana in 1990; and the Ninth Congress at Cairo in 1995.

27/ E/CN.15/1996/15.

28/ Such as the World Ministerial Conference on Organized Transnational Crime, held in 1994, and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in 1995.

29/ E/CN.15/1996/21 and Corr.1 and 2.

30/ By its resolution 1086 B (XXXIX), the Economic and Social Council decided to establish the United Nations Trust Fund for Social Defence. In accordance with paragraph 44 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme (General Assembly resolution 46/152, annex), the Fund was renamed the United Nations Crime Prevention and Criminal Justice Fund.

31/ The figures provided include both contributions and pledges. Not all pledges had been received by 30 April 1996.

32/ The annual contribution of Italy is used to support the functioning and operations of the International Scientific and Professional Advisory Council and UNICRI.

33/ The contribution of Japan was earmarked for a project on the control of firearms.

34/ The contribution of France was earmarked for the preparation of the Ninth Congress and for a technical cooperation project in Burkina Faso.

35/ The contribution of Sweden was earmarked for two training courses for Palestinian police.

36/ E/CN.15/1996/20.

37/ Official Records of the Economic and Social Council, 1995, Supplement No. 10 (E/1995/30).